




Environmental Protection Authority

EPA Referral Form

Form for the referral of a proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*

| Referrer information | | | |
|--|---|--|--------------------|
| Who is referring this proposal? | | <input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party | |
| Name Monica Goggin | | Signature  | |
| Position | Manager – Environment, Heritage and Approvals | Organisation | Atlas Iron Pty Ltd |
| Email | Monica.Goggin@atlasiron.com.au | | |
| Address | Level 17, 300 | Murray St | |
| | Perth | WA | 6000 |
| Date | 2 April 2020 | | |
| Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i> | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Referral declaration for organisations, proponents and decision-making authorities: I, Monica Goggin declare that I am authorised to refer this proposal on behalf of Atlas Iron Pty Ltd and further declare that the information contained in this form is true and not misleading. | | | |
| Part A: Proponent and proposal description | | | |
| Proponent information | | | |
| Name of the proponent/s (including Trading Name if relevant) | | Atlas Iron Pty Ltd | |
| Australian Company Number(s) | <input checked="" type="checkbox"/> | 110 396 168 | |
| OR Australian Business Number(s) | <input type="checkbox"/> | | |

| | |
|--|---|
| <p>Contact for the proposal (if different from the referrer)</p> <p><i>Please include: name, physical address, phone, and email.</i></p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>David Morley Senior Advisor – Approvals Level 17, 300 Murray St, Perth WA 6000 David.Morley@atlasiron.com.au</p> |
| <p>Does the proponent have the legal access required for the implementation of all aspects of the proposal?</p> <p>If yes, provide details of legal access authorisations / agreements / tenure.</p> <p>If no, what authorisations / agreements / tenure is required and from whom?</p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Atlas has the following active tenure for the project:</p> <ul style="list-style-type: none"> • G45/340 • L45/369 (Abydos Project) • L45/405 (Abydos Project) <p>Tenure applications are well progressed with the Department of Mines and Industry Regulation (DMIRS) for the following tenements:</p> <ul style="list-style-type: none"> • M45/1280 • M45/1281 • M45/1282 • L45/525 • L45/538 • G45/343 <p>Atlas Iron has an existing claim-wide Native Title Agreement with Njamal that covers both Nyamal People #1 (WCD2019/010) and Nyamal People #10 (WCD2019/011). However, now that claim #1 has been determined (September 2019) Atlas and Njamal are updating this agreement accordingly.</p> <p>Atlas Iron has or is progressing Access Agreements with relevant parties for any pending/ overlapping tenure.</p> <p>Appropriate tenure will be obtained prior to works commencing.</p> |
| <p>Proposal type</p> | |
| <p>What type of proposal is being referred?</p> <p>For a change to an approved proposal please state the Ministerial Statement number/s (MS No./s) of the approved proposal</p> <p>For a derived proposal please state the Ministerial Statement number (MS No.) of the associated strategic proposal</p> | <p><input checked="" type="checkbox"/> significant – new proposal</p> <p><input type="checkbox"/> significant – change to approved proposal (MS No./s: _____)</p> <p><input type="checkbox"/> proposal under an assessed planning scheme</p> <p><input type="checkbox"/> strategic</p> <p><input type="checkbox"/> derived (Strategic MS No.: _____)</p> |

For a significant proposal:

- Why do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA?

Atlas Iron has conducted desktop assessment, field studies and laboratory work at local and broader scales to investigate potential risks to the following Environmental Factors potentially relevant to the Proposal:

- Land:
 - Flora and Vegetation
 - Landforms
 - Subterranean Fauna
 - Terrestrial Environmental Quality
 - Terrestrial Fauna
- Inland Waters
- Air Quality
- Social Surroundings.

On the basis of the EPA's Factors and Objectives guidance (Environmental Protection Authority, 2018), the following preliminary key environmental factors have been identified for the Proposal:

- Flora and Vegetation
- Terrestrial Fauna.

The predicted impacts to **Flora and Vegetation** from the Proposal after applying the mitigation hierarchy (avoid, minimise, rehabilitate) are:

- No impact to Threatened Flora, TECs or PECs.
- Removal of a maximum of 284.9 ha of native vegetation within the 621.1 ha of Development Envelope.
- Removal of up to 26% of VT 11, which had a limited distribution within the Study Area (Woodman Environmental, 2019a).
- No loss of the potentially undescribed *Polymeria* sp. due to revised Development Envelope and Indicative Disturbance Footprint.

After the application of mitigation hierarchy to apply avoidance, minimisation and rehabilitation measures, Atlas Iron expects that the EPA's objective for Flora and Vegetation can be met.

The predicted impacts to **Terrestrial Fauna** from the Proposal after applying the

mitigation hierarchy (avoid, minimise, rehabilitate) are:

- Potential clearing of up to 59.6 ha of high quality denning and foraging habitat for the Northern Quoll (Gorge/ Gully and Hillcrest/ Hillslope habitat mapped within the Development Envelope).
- Potential clearing of up to 59.6 ha roosting habitat for the Ghost Bat (Gorge/ Gully and Hillcrest/ Hill Slope habitat mapped within the Development Envelope).
- Loss of one occasional nocturnal roost for the Ghost Bat (the category 4 cave CMRC-02).
- Potential temporary abandonment of caves close to the mining areas by Ghost Bat.
- Increased reliance by Ghost Bat on Lalla Rookh and other nearby roosts as refuges during mining.
- Retention of 15 of 16 known caves as viable roosts post-mining, including the category 2 potential maternity roost CMRC-15.
- No direct impact to any permanent waterholes within or directly adjacent to the Development Envelope.
- No significant impact to SRE fauna or habitat.

The Proposal's most significant pre-mitigation impact is predicted to be impacts to the Ghost Bat cave grouping associated with CMRC-15. Atlas Iron has substantial effort into identifying and modelling impacts, and seeking expert advice. This has resulted in the following conclusions being made:

- Bat Call WA's (2020) conclusion regarding risk of impact to the species aligns with the assessment in the vertebrate fauna impact assessment (Biologic, 2020b), which assessed the impact against all significant impact criteria as "unlikely" if cave CMRC 15 is retained without collapse and without alteration of its microclimate (Biologic, 2020b).
- Work completed by Blast It Global (2020) determined that drill and blast

| | |
|--|--|
| | <p>activities can be conducted, using the blast parameters modelled in their report, to within close proximity of the cave complex without resulting in significant vibration, damage to or collapse of the caves, nor adverse impacts from blast fume or dust. This applies to blasting up to the closest planned point, within 23m of cave CMRC-15 (Blast It, 2020).</p> <p>After the application of mitigation hierarchy (i.e., avoidance, minimisation and rehabilitation measures) and application of the offset package, Atlas Iron expects that the EPA's objective for Terrestrial Fauna can be met.</p> |
| <p>For a proposal under an assessed planning scheme, provide the following details:</p> <ul style="list-style-type: none"> • Scheme name and number <p>For the Responsible Authority:</p> <ul style="list-style-type: none"> • What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme? • How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme? | NA |
| Proposal description | |
| Title of the proposal | Miralga Creek DSO Project |
| Name of the Local Government Authority in which the proposal is located. | Shire of East Pilbara |
| <p>Location:</p> <p>a) street address, lot number, suburb, and nearest road intersection; or</p> <p>b) if remote the nearest town and distance and direction from that town to the proposal site.</p> | <p>Approximately 100 km southeast of Port Hedland, along and south of Marble Bar Rd.</p> <p>The proposal is located on the following granted and pending mining tenure:</p> <ul style="list-style-type: none"> • M45/1280 • M45/1281 • M45/1282 • L45/525 • L45/538 • L45/369 • L45/405 • G45/340 • G45/343. |
| Proposal description – including the key characteristics of the proposal | Please see Attachment A <i>EPA Referral Document: Miralga Creek DSO Project</i> |

| | |
|---|---|
| <i>Provide as an attachment to the form</i> | |
| <p>Have you provided electronic spatial data, maps and figure in the appropriate format?</p> <p><i>Refer to instructions at the front of the form</i></p> | <p>✓ Yes <input type="checkbox"/> No</p> <p>See Attachment B</p> |
| <p>What is the current land use on the property, and the extent (area in hectares) of the property?</p> | <p>The Development Envelope is 621.1 ha, of which 284.9 ha is proposed to be cleared. The Development is divided into five operational areas – three mining areas, one new haul road and a stockyard area.</p> <p>The majority of the Development Envelope lies within pastoral tenure, in particular Strelley Station (42.1% of the Development Envelope) and Panorama Station (37.6% of the Development Envelope):</p> <ul style="list-style-type: none"> • Stockyards – Coongan Station and Strelley Station • Sandtrax – Panorama Station and Unallocated Crown Land • Miralga East – Panorama Station • Miralga West – Panorama Station and Strelley Station • New haul road between Miralga West and East and West - Panorama Station and Strelley Station. <p>The Development Envelope lies within two Native Title areas:</p> <ul style="list-style-type: none"> • Nyamal People #1 (WCD2019/010) across Sandtrax, Miralga East and the southernmost portion of Miralga West including the eastern portion of the new haul road. This is now a determined claim as at 24 September 2019. • Nyamal People #10 (WCD2019/011) across the stockyards, the majority of Miralga West the western portion of the new haul road. <p>Mining and mineral exploration also occurs in the local area.</p> <p>Agreements are either in place, or well progressed with all relevant over-lapping land users.</p> |
| <p>Have you had pre-referral discussions with the EPA at DWER Services? If so, quote the reference number and/or the DWER contact.</p> | <p>Yes. Atlas Iron has met most recently with Liesl Rohl in 2020, and in 2019 with Peter Tapsell and Anthony Sutton.</p> |

| Part B: Environmental impacts | | |
|---|---|------------------|
| Environmental factors | | |
| What are the likely significant environmental factors for this proposal? | <input type="checkbox"/> Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes <input type="checkbox"/> Marine Environmental Quality <input type="checkbox"/> Marine Fauna <input type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input type="checkbox"/> Terrestrial Environmental Quality <input type="checkbox"/> Terrestrial Fauna <input type="checkbox"/> Inland Waters <input type="checkbox"/> Air Quality <input type="checkbox"/> Social Surroundings <input type="checkbox"/> Human Health | |
| <p><i>For each of the environmental factors identified above, complete the following table, or provide the information in a supplementary report</i></p> <p>Atlas Iron has conducted desktop assessment, field studies and laboratory work at local and more broad scales to investigate potential risks to the Environmental Factors potentially relevant to the Proposal.</p> <p>After the application of mitigation hierarchy (i.e., avoidance, minimisation and rehabilitation measures) and application of the offset package, Atlas Iron expects that the EPA's objectives for Flora and Vegetation and Terrestrial Fauna can be met.</p> <p>All relevant Factors are discussed in Attachment A.</p> | | |
| Potential environmental impacts | | |
| 1 | EPA Factor | See Attachment A |
| 2 | EPA policy and guidance - What have you considered and how have you applied them in relation to this factor? | |
| 3 | Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts | |
| 4 | Receiving environment – Describe the current condition of the receiving environment in relation to this factor. | |
| 5 | Proposal activities – Describe the proposal activities that have the potential to impact the environment | |
| 6 | Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts. | |
| 7 | Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective. | |
| 8 | Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions. | |

Part C: Other approvals and regulation

State and Local Government approvals

Is rezoning of any land required before the proposal can be implemented?

Yes

No

If yes, please provide details.

If this proposal has been referred by a decision-making authority, what approval(s) are required from you?

NA

Please identify other approvals required for the proposal:

| Proposal activities e.g. clearing, dewatering, mining, processing, dredging | Land tenure/access e.g. Crown land, Mining lease, specify legislation for access if relevant | Type of approval e.g. Native Vegetation Clearing Permit, licence, mining proposal, | Legislation regulating the activity e.g. <i>EP Act 1986 – Part V, RiWI Act 1914, Mining Act 1979</i> |
|--|---|--|--|
| Clearing and mining | The following tenure is relevant to the Proposal: <ul style="list-style-type: none"> M45/1280 M45/1281 M45/1282 L45/525 L45/538 L45/369 L45/405 G45/340 G45/343. | Referral of the Proposal to the former DEE (now DAWE) occurred in December 2019 and close consultation has occurred since then, based on current engagement a Not Controlled decision is considered likely. <u>A decision on whether the proposal is a Controlled Action is expected by 27/4/2020.</u> | EPBC Act |
| Clearing | Atlas Iron has or is progressing Access Agreements with relevant parties for any pending/overlapping tenure. | Assuming the EPA comes to a “Not Assessed” decision following this referral, a Native Vegetation Clearing Permit will be pursued through DMIRS | Part V of the EP Act |
| Crushing plant | Appropriate tenure will be granted prior to works commencing. | Works Approval and Licence | Part V of the EP Act |
| Mining, including supporting activities and infrastructure | | Mining Proposal Mine Closure Plan | <i>Mining Act 1978</i> |
| Mining, including supporting activities and infrastructure | | Atlas Iron has an existing claim-wide Native Title Agreement with Njamal that covers both Claim #1 and #10. However, now that claim #1 has been determined (September 2019) Atlas and Njamal are updating this agreement accordingly. | <i>Native Title Act 1993</i> |

Part C: Other approvals and regulation

State and Local Government approvals

| | | | |
|-------------------------------------|--|---|--|
| Storage handling of dangerous goods | | Licence to store fuel and chemicals on site | <i>Dangerous Goods Safety Act 2004</i> |
| Abstraction of groundwater | | Amendment to existing licences | <i>Rights in Water and Irrigation Act 1914</i> |

Commonwealth Government approvals

| | | |
|--|---|-----------------------------|
| Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
|--|---|-----------------------------|

| | | |
|--|---|-----------------------------|
| Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| | Date: 20 December 2019 | |
| | EPBC No.: 2019/8601 | |

| | | |
|---|---|--|
| If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | Decision is expected by 27/4/2020 | |
| | <input type="checkbox"/> Decision – controlled action | |
| | <input type="checkbox"/> Decision – not a controlled action | |

| | | |
|--|--|-----------------------------|
| If the proposal is determined to be a controlled action, do you request that this proposal be assessed under the bilateral agreement or as an accredited assessment? | <input type="checkbox"/> Yes - Bilateral | <input type="checkbox"/> No |
| | <input checked="" type="checkbox"/> Yes - Accredited | |

| | | |
|---|------------------------------|--|
| Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | Approval: | |